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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**
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16 BRIAN BORENSTEIN, an individual,
17 Plaintiff,
18 vs.
19 THE ANIMAL FOUNDATION, et al.,
20 Defendants.
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Case No.: 2:19-cv-00985-CDS-NJK

**ORDER GRANTING
PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO REPLY TO
DEFENDANTS' OPPOSITIONS [ECFs
369 & 370] TO PLAINTIFF'S
RENEWED MOTION [ECF 361] TO
REOPEN AND EXTEND DEPOSITION
OF CLARK COUNTY'S RULE 30(B)(6)
WITNESS PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE
30(D)(1)**

(SECOND REQUEST)

25 COMES NOW Plaintiff, Brian Borenstein, by and through his counsel, Raelene K.
26 Palmer, Esq. of The Palmer Law Firm, P.C., and Robert S. Melcic, Esq., of the Law Office of
27 Robert S. Melcic, and hereby moves for an enlargement of time to reply to Defendants'
28 *Oppositions* [ECFs 369 and 370, respectively] to Plaintiff's *Renewed Motion* [ECF 361] to

1 *Reopen and Extend Deposition of Clark County's Rule 30(b)(6) Witness Pursuant to Federal Rule*
 2 *of Civil Procedure 30(d)(1).* This Motion is brought with the following Memorandum of Points
 3 and Authorities, the papers and pleadings already on file in this case, and any further briefing or
 4 oral argument that this honorable Court may wish to entertain.

5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 **I. INTRODUCTION**

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 8 Plaintiff is seeking an extension until **Friday, October 13, 2023**, to reply to Defendants'
 9 *Oppositions* to Plaintiff's *Renewed Motion to Reopen and Extend Deposition of Clark County's*
 10 *Rule 30(b)(6) Witness Pursuant to Federal Rule of Civil Procedure 30(d)(1).*

11 **II. RELEVANT PROCEDURAL HISTORY**

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 13 On September 12, 2023, Plaintiff filed his *Motion to Motion to Reopen and Extend*
 14 *Deposition of Clark County's Rule 30(b)(6) Witness Pursuant to Federal Rule of Civil Procedure*
 15 *30(d)(1)*, ECF 361. This motion was renewed following ECF 359, *Order on Motion to Take*
 16 *Deposition.*

17 Defendant Clark County opposed on September 26, 2023 [ECF 369] and Defendant The
 18 Animal Foundation opposed later that same day [ECF 370]. Defendants' *Oppositions* set an
 19 original deadline for Plaintiff to reply by October 3, 2023.

20 On that date, Plaintiff requested a six-day extension based on a verbal stipulation between
 21 the parties, which set the deadline to October 9, 2023. However, due to unforeseen health
 22 problems now affecting Plaintiff's counsel, Plaintiff has been forced to seek a second extension.
 23

24 **III. LEGAL ANALYSIS**

25 Federal Rule of Civil Procedure 6(b)(1)(A) provides in pertinent part:

26 (b) EXTENDING TIME.

27 (1) *In General.* When an act may or must be done within a specified time the
 28 court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires;

Fed. R. Civ. P. 6(b)(1)(A).

A. Plaintiff Has Good Cause for an Extension of Time.

Plaintiff needs additional time to reply and requests until **Friday, October 13, 2023**. Plaintiff's counsel has been working on drafting the replies and intended to be finished on October 9, however, due to Plaintiff's counsel's unforeseen health problems, completion by midnight on October 9 was not possible.

Plaintiff's counsel also apologizes to this honorable Court that his first submission of this motion, drafted amid illness, was unclear regarding dates and documents.

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IV. CONCLUSION

Based on the foregoing, Plaintiff respectfully requests the Court to grant him an extension of time to reply to Defendants' *Oppositions* to Plaintiff's *Renewed Motion to Reopen and Extend Deposition of Clark County's Rule 30(b)(6) Witness Pursuant to Federal Rule of Civil Procedure 30(d)(1)*. [ECFs 369, 370, and 361, respectively]

Dated this 10th day of October 2023.

THE LAW OFFICE OF ROBERT S. MELCIC

/s/ Robert S. Melcic

ROBERT S. MELCIC, ESQ.

Nevada Bar No. 14923

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Attorney for Plaintiff Brian Borenstein

ORDER

Plaintiff's request is GRANTED. Plaintiff's reply is due no later than October 13, 2023.

IT IS SO ORDERED.

DATED: October 11, 2023



NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE